

IS ANJEM CHOUDHARY (THE PARTISAN FOLLOWER OF OMAR BAKRI MUHAMMAD FUSTUQ AL-MUDALLIS) A QUALIFIED ISLAMIC JUDGE OF A SHAREE'AH COURT IN THE UK?!

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Indeed, all praise is due to Allaah, we praise Him, we seek His aid, and we ask for His forgiveness. We seek refuge in Allaah from the evil of our actions and from the evil consequences of our actions. Whomever Allaah guides, there is none to misguide and whoever Allaah misguides there is none to guide. I bear witness that there is no god worthy of worship except Allaah and I bear witness that Muhammad is the servant and messenger of Allaah. To proceed:

It has reached us that the following has recently been advertised:

Britain under Islam Conference, Saturday 9th February 2008, 6pm - 7:30pm, Venue: Harmony Hall, Truro Road, Walthamstow, E17 7BY, **Speaker: Anjem Choudhary, Judge of the Shari'ah Court of the UK and Principal Lecturer at the London School of Shari'ah.**

Not only is this a very bold claim to promote among the Muslims but as one can immediately observe from Choudhary's media antics, his Islamic knowledge is negligible to say the least! At this point then, before we assess the credentials of Anjem Choudhary, it is worth us taking a look at what the scholars of the past have outlined as the criterion for a *Qāḍī*, a position which Anjem Choudhary now claims to hold!? Indeed, while it is known that he was a fully qualified solicitor of secular British law this in no way gives him the right to audaciously declare that he is a "judge of a Shari'ah court". We will mention some of the main points of agreement among the scholars with regards to what they have concurred are the conditions for a *Qāḍī*, there may be some points that we have not mentioned herein as we have only relayed the main aspects that the scholars mostly agree on.

الشرط الأول : البلوغ والعقل والحرية

MATURITY, INTELLIGENCE AND FREEDOM

The position of a *Qādī* necessitates that one be of mature mind and intellect and this cannot be attained except after puberty, this condition also negates insanity. Some of the *fuqahā* have also mentioned that:

(ينبغي أن يكون من يتولى وظيفة القضاء صحيح الفكر ، جيد الفطنة ، بعيداً
عن السهو والغفلة يتوصل بذكائه إلى وضوح المشكل وحل المعضل

The one who assumes the position of *Qādī* must be of sound mind, good expertise, distant from oversight and heedlessness. His intelligence should lead to clarifying a problem and solving a difficulty.¹

الشرط الثاني: الإسلام

ISLAM

The *Qādī* must be a Muslim and it is not something a disbeliever can assume authority over, based on the saying of Allaah,

أَمْ لَمْ يُبَيِّنْ اللَّهُ لَكَ الْفُرْقَانِ

“...and never will Allāh give the disbelievers over the believers a way [to overcome them].”

{*an-Nisaa* (4): 141}

The *Qādī* applies the rulings of the Divine Legislation and this requires precision and *īmān* in them before they are to be applied along with fear of Allaah.

الشرط الثالث: العدالة

INTEGRITY

Ibn Qudaamah mentions in *al-Mughnee*:

ولا يجوز تولية فاسق ولا من فيه نقص يمنع الشهادة

¹ *Mughnee al-Muhtaj*, vol.4, p.375; *al-Kaasaanee, Bidaai' as-Sinaa'i*, vol.7, p.4; *al-Khateeb, Mukhtasar al-Jaleel*, vol.6, p.87.

It is neither permissible for a faasiq to assume the position of a Qādī nor one whose testimony is deficient.²

This is the view of the majority based on the saying of Allaah,

أَأْمُرُكُمْ أَنْ تَتَّقُوا اللَّهَ أَنْ تَكُونُوا تَحْقِرُونَ

“O you who have believed, if there comes to you a disobedient one with information, investigate...”

{*al-Hujuraat* (49): 6}

الشرط الرابع: الاجتهاد

THE ABILITY TO MAKE IJTIHAAD

The scholars also make the condition that the *Qādī* is a *Mujtahid* this is the view of Imaam Maalik, ash-Shaafi’ee, the *Hanaabilah* and some of the *Abnaaf*. This is due to judgement demanding more precision than issuing *fataawa* and even when issuing *fataawa* the *Muftee* should not be a *Muqallid* (blind follower). They also use as a proof the *hadeeth* of Buraydah from the Messenger of Allaah (*sallallaahu ‘alayhi wassallam*) that: “There are three types of judges: one will be in Paradise and the other two in Hell. The one in Paradise is the one who knows the truth and judges according to it. As for the man who knows the truth but is unjust in his judgement, he will be in Hell. The man who judges between the people based on ignorance is also in Hell.”³

The conditions of *ijtihaad* are; knowledge of the Book, the Sunnah, *ijmaa’*, *ikhtilaaf*, *qiyaas* and Arabic language.⁴ The scholars however have said that if there is a necessity it is permissible to follow a judge who is a *Muqallid* if there is not a *Mujtahid* present.

الشرط الخامس: الذكورة

BEING MALE

² Ibn Qudaamah, *al-Mughnee*, vol.10, p.37

³ Aboo Dawood, Nasaa’ee, Ibn Maajah and at-Tirmidhi

⁴ Ar-Ramlee, *Nihaayat ul-Muhtaqj Sharh al-Minhaaj*, vol.8, p.226; al-Baajee, *al-Muntaqaa*, vol.5, p.188.

الشرط السادس : سلامة الحواس

HAVING SOUND SENSES

The *Qāḍī* has to have sound senses but the scholars have allowed one who is blind to be a *Qāḍī* based on the fact that Shu'ayb (*'alayhi-salaam*) was blind and that a deaf person can communicate and understand sign-language.⁵

Ibn Rushd summarises the conditions of a *Qāḍī* with the following:

أن يكون حراً مسلماً بالغاً ذكراً عاقلاً عدلاً

That he is free, Muslim, mature, male, intelligent and just.⁶

So we ask Choudhary: at which Islamic institute did you study for you to be bestowed with the honour of becoming a “**judge at a Shariah Court in the UK**” and a “Principal Lecturer”? Not only is the so-called ‘*London School of Shariah*’ nothing but a re-hash of Omar Bakri’s blind followers but there is no premise to this place and no actual location!? Furthermore, Choudhary has no knowledge of the Arabic language! Hardly an endorsement therefore of him being any sort of “judge”!

We first come across any mention of this “Shariah Court” by Omar Bakri as we shall see below:

⁵ See Ibn Qudaamah, *al-Mugnee*, vol.10, p.37; *an-Nihayaat ul-Muhtaj*, vol.8, p.326

⁶ Ibn Rushd, *al-Bidaayah wa'n-Nihaayah*, vol.2, pp.383-384

THE EDUCATION AND CREDENTIALS OF OMAR BAKRI MUHAMMAD FUSTUQ AL-MUDALLIS

Bakri claimed in his book *Essential Fiqh* (London: Islamic Book Company, 1996) that he graduated from numerous universities, the most of important of which being *Umm ul-Qura* in Makkah, the *Islamic University of Madeenah* and *al-Azhar* in Egypt, along with the *College of Sharee'ah* in Damascus!!⁷

In document authored by Omar Bakri entitled *The Islamic Verdict on Jihad and the Method to Establish the Khilafah* a different biography of where Bakri studied is given wherein his *tadlees*⁸ can again be viewed, the pdf can be read here:

<http://osolihin.files.wordpress.com/2007/03/jihad-and-methodology.pdf>

⁷ The book is available for purchase here: http://www.lawbooks-online.com/index.asp?title=Essential+Fiqh&isbn=&match_type=exact&search=simple&imageField.x=o&imageField.y=o

⁸ The scholars of *hadeeth* have noted that there are five main types of *tadlees*:

1. *Tadlees ul-Isnad* – this where a narrator claims to have heard a *hadeeth* or a narration from a Shaykh who he usually narrates from and studies with, but in this case he did not hear anything at all from the Shaykh. There is a degree of meeting and correspondence yet in this case he ascribes something to the Shaykh which he did not actually directly hear from him. Ibn 'AbdulBarr (*raheemahullaah*) states **“As for tadlees it is when a man narrates from a man who he met and lived in the same time as and took from him and narrates from the man what he did not directly heard from him”**, *at-Tamheed*, vol.1, pp.15-16. So here the narrator will say **“Anna”** (certainly...), **“an”** (from...) or **“Qaala”** (he said) so it is not necessarily a clear and blatant lie.
2. *Tadlees ut-Taswiyah* – this is the most serious type as it is when a narrator purposefully leaves out and drops someone in his chain of transmission because he is weak and it will weaken his narrations. So for example, a Shaykh who is *thiqah* heard from one who was weak who heard from one who is *thiqah*, yet the weak one is dropped and left out of the chain in order to make it seem as if the two *thiqaat* heard directly from each other without anyone in the middle.
3. *Tadlees ul-Qat'* – this when the narrator of a *hadeeth* pauses and then just mentions any name as if the name mentioned actually relayed the *hadeeth*. This is also known as *Tadlees us-Sukoot*.
4. *Tadlees ul-'Atf* – this is when a narrator narrates from 2 Shaykhs but actually only heard from one of them.
5. *Tadlees ush-Shuyookh* – this is when a narrator uses a name of a person in a chain of narration that is well known by the people as being credible, when in reality it is a person who is da'eef but with the same name. So for example, the *mudallis* states **“I heard Aboo 'Abdullaah say...”** trying to deceive the people that it is Ahmad ibn Hanbal who is well known for the name “Aboo 'Abdullaah” when it is really someone else. Or using “Aboo Saalih” will be used for Ahmad ibn Hanbal in order to make it seem as if the narrator is narrating from someone else so as not to be repetitive in narrating from Ahmad ibn Hanbal. Al-Khateeb al-Baghdaadee states

Firstly, on page 4 of the book in the ‘about the author’ section it claims, along with its poor command of English grammar, that Bakri is:

Sheikh Omar bin Bakri bin Muhammad is from Aleppo, Syria. He was born in 1958 and brought up amongst an orthodox and rich Muslim family. He is married and father of six children. Sheikh Omar started to study Islam, the sciences of Qur’an, The Sciences of Hadith, the sciences of Usul Al-Fiqh, the Islamic law and systems from his childhood until today. He is quality {sic} of knowledge is a Mujtahid Murajjih Juristic Scholars able to outweigh between the four Islamic Schools of thought: Hanafi, Maliki, Shafi’ie and Hanbali.⁹ Sheikh Omar adopted the Aqeedah of Ahl Al-Sunnah Wa Al-Jama’ah and adopted the Shafi’ie Mazhab. Currently He is preparing his Ph.D. in the Science of Islamic Inheriting or I’lm {sic} Al-Miraath. He received his BA in Shari’ah and the foundations of The Islamic Jurisprudence from the Shari’ah University in Damascus-Syria. He received his MA in the Islamic Jurisprudence (Al-Fiqh) of The four Schools of thought from the University of Al-Imam Al-U’zaie-Beirut. He accompanied and studied with many qualified scholars of Islam like sheikh Abdullah Al- Zamalkaani, Sheikh Osama Al-Khani, Sheikh Awadh Al-Dimashqui and Sheikh Al-Zuheili from Damascus. He joined many Islamic movements like Al-Ikhwaan, Al-Tali’ah, Ebaad Al- Rahman, Hizb ut-Tahrir and Al-Muhajiroun. He is the founder of Hizb ut- Tahrir UK branch and the founder of Al-Muhajiroun world-wide. Sheikh Omar written {sic} and published many articles and leaflets, he participated in a number of conferences on various aspects of topics {sic}. In addition to being a speaker and Khateeb in many Mosques, he also has audio and visual productions, including commentary on the Qur’an. He is currently the judge of the Shari’ah court for the UK, The Secretary

in *al-Kifaayah* (p. 365) that “...it is where a muhaddith narrates from a Shaykh who he heard from yet changes his name, kunyah or nisba or alters his well known condition to one which is unknown.” This is prevalent today especially with the explosion of the worldwide web and internet forums wherein people use false names, hide behind false identities and use fake pseudonyms. In any case in the modern era it is still practiced in relation to knowledge and Omar Bakri Muhammad Fustuq al-Mudalis as-Sooree al-Lubnaanee is the best example of contemporary *tadlees*. Not only did he claim to study in *Umm ul-Qura’* and the *Islamic University of Madeenah* but he also claimed to study with “az-Zuhaylee”, insinuating by this the famous Wahbah az-Zuhaylee. But when one of the brothers in London went to Syria in the late 1990s and asked Wahbah az-Zuhaylee directly if Omar Bakri was his student Shaykh Zuhaylee denied even knowing Bakri. When Bakri was confronted over this, Bakri said “No, no, not that Zuhaylee, another Zuhaylee”!! Clear *tadlees*!

⁹ !?

General of The Islamic World League, The principal lecturer of the London school of Shari'ah and The Leader of Al-Muhajiroun.

So it claims that Bakri was preparing a Ph.D in the science of “Islamic Inheriting” {sic}, yet in which university was he doing this and what is the name of the institution? If it was deemed as important to mention that he is doing a Ph.D then mention where this is being conducted as well! Secondly, it is insinuated that Bakri studied with “Shaykh Zuhaylee” and he intends by this Wahbah az-Zuhaylee, the famous scholar of *fiqh* in Syria. As a result of this, in the late 90s some Muslim students from London travelled to Syria and had the opportunity to meet Wahbah az-Zuhaylee. They asked him if Omar Bakri really is a bona fide student of his and Wahbah az-Zuhaylee denied even knowing anyone called Omar Bakri! When Bakri was approached over this by the Muslim students from London, Bakri’s response was “No, no, not that Zuhaylee, another Zuhaylee!” Clear *tadlees*! Thirdly, it is stated that Bakri was a **“speaker and khateeb in many mosques”** (!!) this is false, as Bakri was not allowed to conduct his frolics in most of the *Masajid* in London, let alone him being a speaker in “many mosques”! So we see here that Bakri is merely trying to build up his CV and résumé and make it more colourful than it actually is!

What is also immediately noticeable within the above mentioned biography is that any mention of having been at *Umm ul-Qura University* in Makkah, the *Islamic University of Madinah* and *al-Azhar University* in Cairo has all also miraculously disappeared from his CV! This was due to 'AbdurRahmaan Dimishqiyya exposing the deceptions of Bakri in the late 1990s.¹⁰ Yet we still come across gross inconsistencies and blatant *tadlees* within his biography, indeed, we further come across the following about Bakri:

He is currently the judge of the Shari'ah court for the UK, The Secretary General of The Islamic World League, The principal lecturer of the London school of Shari'ah and The Leader of Al-Muhajiroun.

La hawla wa la quwwata ila billaah! Since when was Bakri a “judge” meaning that he is a fully qualified Qādi! And where is this **“Shari'ah Court for the UK”**? As for him being the **“Secretary-General of the Islamic World League”** then this again is another example of *tadlees*. For what they are doing here is playing with the name of the other organisation which is well known as being the *Muslim World League*. So Bakri is trying to assert that he is the Secretary General of the *MWL* and as for being the **“Secretary-**

¹⁰ See 'AbdurRahmaan ibn Muhammad Sa'eed Dimashqiyyah, *Hizb ut-Tahreer* (Istanbul, Turkey: Maktabah al-Ghurabaa', 1417 AH/1997CE), pp.63-66.

General of the Islamic World League” then where is this organisation? Why the trickery and *tadlees*? The same is again observed when it states that he was the “**principal lecturer of the London school of Shari’ah**” but where is this school? What’s the address and what do they study? Who are the teachers and what is the curriculum? It seems to only exist within their fanciful imaginations that are coupled with delusions of grandeur. All to bolster their CVs and credentials in the eyes of Muslim youth this is the extent that some will go to.

For more on Omar Bakri Muhammad Fustuq al-Mudallis see:

http://www.salafimanhaj.com/pdf/SalafiManhaj_BakriAppeal